

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary Ronald W. Kazmierczak, Regional Director 647 Lakeland Road Shawano, Wisconsin 54166 Telephone 715-524-2183 FAX 715-524-3214

August 29, 2000

Mr. Fred Laack Dupont Cheese Inc. N10140 State Road 110 Marion, WI 54950

Subject: Groundwater Use Restrictions for Petroleum Contamination Case, Dupont Cheese. N10140 State Road 110, Marion, WI; DNR Case # 03-69-001953.

Dear Mr. Laack:

I have received the 1) the monitoring well abandonment forms (Form 3300-05B) for all monitoring wells related to the above case and 2) documentation that the groundwater use restrictions have been filed at the Waupaca County Register of Deeds. These items were a condition of case closure as indicated in my letter to you on September 1, 1999.

The Department considers this case closed and will remove it from our active list on our case tracking system. Please be aware that this letter does not absolve the current or any future owner of this property from future decisions regarding this site or impacts which may be discovered and/or traced back to past or future activities at this site. If additional information in the future indicates that further investigation or cleanup is warranted, the Department will require that appropriate action be taken at that time. If you have questions regarding this letter, you may contact me at (715) 526-4230.

Sincerely,

Tom Sturm Hydrogeologist

Remediation and Redevelopment Program

Email: sturmt@dnr.state.wi.us

cc: Dave Haas - Graef, Anhalt & Schloemer, 1150 Springhurst Dr., Suite 201, Green Bay, WI 54304-5950



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vol 985 = 335

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: East ½ of the Northwest ¼ of the Northwest ¼ Section 34, Township 25 North, Range 15 East, Waupaca County, Wisconsin.

STATE OF WISCONSIN)

COUNTY OF WAUPACA)

WHEREAS, Fred L. Laack is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated

groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location on September 22, 1998: MW-8, Benzene at 130 micrograms per liter (ug/L), Methyl-tert-butyl ether (MTBE) at 73 ug/L. Locations are depicted on Attachment 1, incorporated and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific

WAUPACA COUNTY WI RECEIVED FOR RECORD

AUG 1 8 2000

At 8:00 o'clock A Mand necorded In Vol. 985 of ecology Page 335

Quil Myra Districty. Register

Recording Area

Name and Return Address
David J. Hans
1150 Springhurst Dr., Suite 201
Green Bay, WE 54304-5950

04-34-22-5

Parcel Identification Number (PIN)

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requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHERE	OF, the ov	vner øf the pr	coperty has	executed this	Declaration of
IN WITNESS WHERE Restrictions, this _/o_	day of	Guani	t. 2000		Decidiation of
		0/10		 -	

Signature:

Fred L. Laack

Subscribed and sworm to before me this 10 day of Manuel, 2000

Anda I, &

Notary Public, State of

My commission 3-10-02

This document was drafted by the Wisconsin Department of Natural Resources based on information submitted by Graef, Anhalt, Schloemer and Associates.

 $v_0 = 985 \approx 337$

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: Property previously recorded in Volume 418, page 408, Document 326100, Waupaca County Register of Deeds described on Attachment 1, incorporated and made part of this restriction.

STATE OF WISCONSIN SS COUNTY OF WALIPACA

WHEREAS, Fred L. Laack and wife, Anne V. Laack as joint tenants are owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following locations on July 10, 1996: MW-1, Benzene at 14,000 micrograms per liter (ug/L), Ethylbenzene at 1,600 ug/L, Toulene at 14,000 ug/L, Total Xylenes at 5,500 ug/L; MW-4, Benzene at 16,000 ug/L, Ethylbenzene at 1,500 ug/L, methyl-tert-butyl ether at 2,300 ug/L, Toulene at 14,000 ug/L, Total Xylenes at 5,700 ug/L. Locations are depicted on Attachment 2, attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owners hereby declare that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

BEGISTER'S SEPTICE WAUPACA COUNTY WI RECEIVED FOR RECOPD

AUG 1 8 2000

Recording Area

Name and Return Address David J. Huas 1150 Spring hurst Or. Suit 201 Green Bay WI S#304-5950

04-34-22-3

Parcel Identification Number (PIN)

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the	e owner of the property has executed this Declaration of
Restrictions, this 10 day	of Hugust, 2000.
	Signiature: Jan V Saack
Fred J. Laack	Аппе V. Laack

Subscribed and sworn to before me this 10 day of curus +, 2000

Anda Labele.

Notary Public, State of Wi

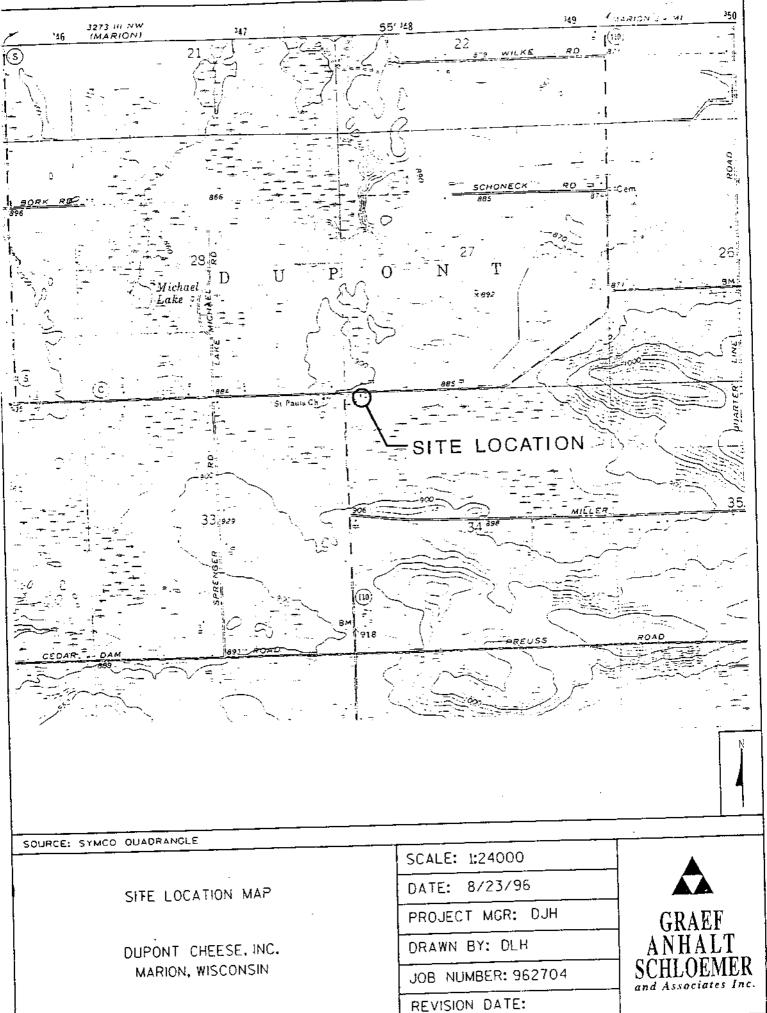
My commission 3 - 10 - 02

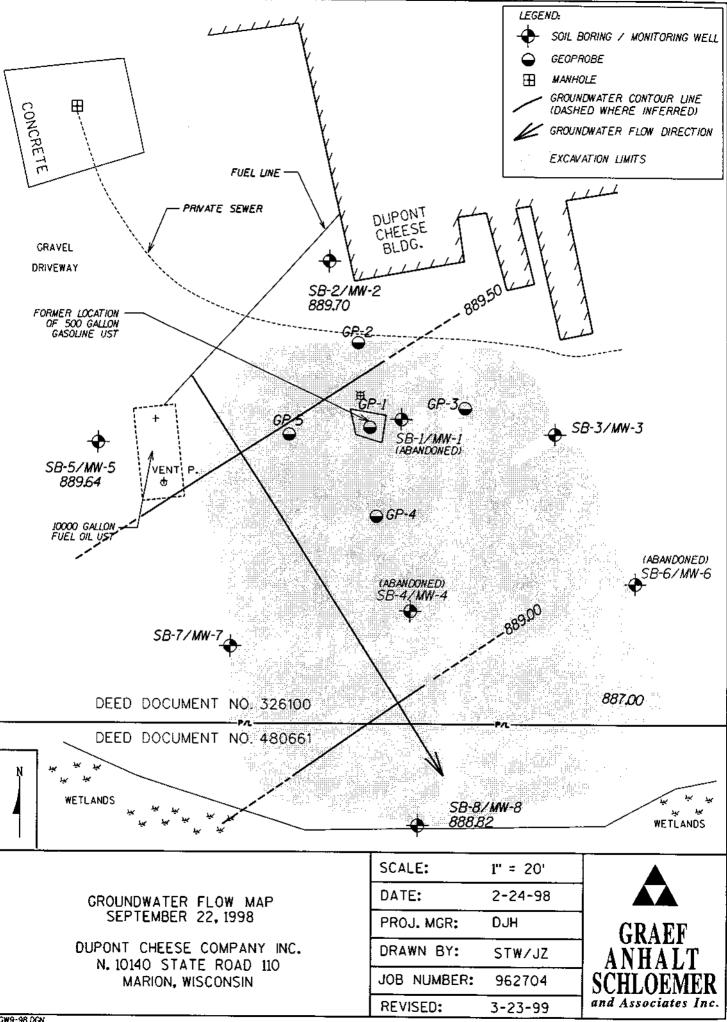
4 VOL 985 2 339

ATTACHMENT 1

A part of the Northwest ¼ of the Northwest ¼ of Section 34, Township 25 North, Range 13 East, described as follows:

Commencing at the Northwest corner of said Northwest ¼ of the Northwest ¼, thence East along the section line a distance of 24 rods, thence South 10 rods, thence West 24 rods to section line, thence North on section line 10 rods to the place of beginning.





IA-Not Analyzed
ITBE-Methyl-tert-Bulyl Ether
REDOX -Oygen Reduction Potential
PA- Environmental Protection Agency
IW-Monitoring Well
Su-Supply Well

S-Enforcement Standard

AL-Preventive Action Limit

AS-no standard promulgated

otes:

GROUNDWATER ANALYTICAL RESULTS TABLE

TABLE 3

DUPONT CHEESE, INC. MARION, WISCONSIN

Parameter	Analytical Melhod	NR 140 Standard	dard	MW-1			MW-2			MW-3	M ₩-4			MW-5			MW-6	7-WM			B-WM			2
		ES	Ã	7/10/96	7/10/96	10/17/97	\vdash	6/29/98	9/22/98	7/10/96	7/10/96	7/10/96 10/	10/17/97	┝╾┥	8/29/98	9/22/98	-	-	9/27/96	10/17/97		6/29/98	9/22/98	9/27/96
ЗВО (ррь)	WI Modified	S	ß	40,000	ģ	<100 <u>-</u>	~ 100	8	<u>\$</u>	65 0	47,000	<50	<100	<100	2.0	20	<100	<100	4,700	130			_	<u> </u>
	EPA .																							
/OCs (ppb)	5030/8021	_		_				_																
Benzene		თ	0.5	14,000	0.50	60.21	<u> </u>	∆ 35	<u>۵</u>	A.50	16,000	0.50	6 21 -	A 2.21	∆ 35	∆0.35	155	A0.26	2900		2 2 3 3	\$	30	A S
Ethylbenzene		700	1	1,600	0.50	8 8	A 0.68	∆0.39	40.39	<u>^1</u> 0	500	A 50	≙ 6€	A 6.62	٥.39 ود	<u>م</u>	A0.32	8	8	•	- :	4	- [A 6
MTBE		8	5	<u>^1,300</u>	60	<u> </u>	<u>8</u> 22	A).45	A 0.45	8	2300	<u>6</u>	8 21	∆ 21 —	A 45	6.45 —	A) 22	A 23	8		2 2	784	<u>ت</u>	3 8
n-Butylbenzene		S	ß	150	40.50	NA A	₹	₹	\$	A.50	<u>^130</u>	∆ 0.50	₹	¥ —	ž	¥	1,76	.69 -	<u>د</u>		<u>Z</u>	ξ.	Ζ.	<u>^</u>
sec-Bulylbenzene		Š	š	<130	40.50	Ā	¥	₹	₹	0.50	^130	0.50	X A	¥	ž	Ä	A 46	A 6.49	0.89		₹	<u></u>	₹ :	49
Naphihalene		6	60	2000	6.0	¥	₹	Š	¥	<u>6</u>	2000	¢8.0	N _A	₹	ž	×	0.45	0,8	98		<u></u>	¥	<u></u>	60 41
Isopropylbenzene		Š	Š	< 130	£0.50	ž	Š	<u>z</u>	Z.	A).50	<130	A).50	š	₹	₹	Ž	A).36	A 36	ಸ		¥ 	ž	Ž	∆ 36
p-Isopropyitoluene		S	ß	< 130	A0.50	ž	₹	¥.	Ä	40.50	^130	<0.50	¥	₹	š	¥	A.5.	A.	0.83		₹	₹	ž	۵ 6
Tetrachtoroethene		5	0.5	<125	40.50	ş	¥	×	Z.	40.50	<125	<0.50	¥	Z	¥	¥	40,56	<0.56	0.99		¥	ž	Z	0.56
n-Propylbenzene	•	ĸ	쟔	160	0.50	Š	ž	¥	×	40.50	150	0.50	₹	Ž	ž	₹	60.41	40,41	8.6		¥	ž	¥	<u>۵</u>
Toluene		343	68.6	14,000	40.50	<u>4</u>	<u>^.</u> 5	40.36	40,36	40.50	14,000	△0.50	<u>^</u>	<u>^1</u> 5	40.36	40.36	A0.69	∆ 0.69	29		4.5	۵. ج	∆0.36	40.69
1.2,4-Trimethylbenzene		Z,	Š	1,100	<u>^</u>	٥	_	0.44	0.44	<0.50	760	<u>^1.0</u>	^	Δ	0.44	<u>0.44</u>	0.63	0.79	3.6		<u></u>	<4.7	<u>6</u>	A).57
1,3,5-Trimelnylbenzene		Š	Š	330	40	∆.86	0.86	<0.47	<0.47	A).50	300	4.0	<0.86	0.86	<0.47	0.47	<0.57	40.57	<u>.</u> 6	_	40.86	4.	0.47	-0.57
Total Xylenes		620	124	5,500	40.50	<u><1.8</u>	<u>-1</u> .88	<1.57	<1.57	0.50	5,700	<0.50	<1.8	<u><1.8</u>	<1.57	<1.57	0.38	0,34	9.5	<u>\$</u>	<u>^</u>	6	<1.57	<0.42
Dichlorodilluoromethane		1,000	200	<130	5	X	Š	¥	¥	8.7	^130	17	ž	¥	×	Ž	6.4	S.	108		¥	ž	ž	Ģ
1, 4-Dichlorobenzene		75	5	<130	0.50	×	X	Ä	¥	△0.50	<130	0.50	¥	ž	¥	Ž	8.13	A 3	<u>۸</u>		¥	ž	ž	6 13
1,2-Dichloroethane		ţ	0.5	<130	<0.50	Ä	ž	Š	ξ	0.50	<130	40.50	¥	ž	ž	ZA	<0.86	2.55	37		¥	ž	¥ -	∆ 0.86
Trichlorofluoromethane		3,490	869	<125	0.50	¥	¥	¥	¥	£0.50	<125	0.50	Ž	₹	₹	Š	<u>^</u>	<u>^</u>	<u>^</u> 4,		₹	3	₹	<u>^</u>
Vatural Attenuation Parameters		_																						
Alkalinity (ppm)	EPA 310.2	SS	S,	ž	Š	ž	ž	390	420	¥	¥	ž	₹	¥	400	450	₹	ž	₹	ž	¥	970	1500	Ž
Nitrale (ppm)	EPA 353.2	S.	Š	Z A	¥	¥	Ä	1.5	1.7	ž	₹	ž	ž	¥	<0.031	A).031	ž	ž	₹	X	ž	A.031	<0.031	¥
Sulfate (ppm)	SW846 9036	Z,	쭚	ž	¥	Ä	ž	44	39	Ž	<u>₹</u>	ž	ž	ž	25	8	ž	ž	₹	×	¥	37	34	ž
Melhane (ppm)	SW846 8015	S	쭚	<u>₹</u>	¥	Z	ž	<7.1	<7.1	¥	¥	ž	¥	¥	29	6	¥	¥	NA NA	¥	¥	23	<7.1	¥
REDOX Potential		S	Š	ž	¥	ž	Ž	15.0	22,4	¥	¥	ž	<u>₹</u>	¥	12.8	21.8	ž	₹	ž	N A	¥	9.6	23.4	ž
Dissolved Iron (ppm)	Field	Š	Š	Ž	¥	Š	ž	0.2	0.0	¥	Š	Ä	¥	ž	0.3	0.2	ž	Š	Š	ž	ž	0.0	0.3	Š
Dissolved Oxygen (ppm)	Field	NS.	S	Z _A	¥	š	ž	9.0	4.5	3	NA	Ä	X	NA A	0.3	0	Š	NA	Ž	Ä	Ž	0,1	0.0	¥

GRO-Gasoline Range Organics

VOCs-votable Organic Compounds

Laboratory Detections are bold

Laboratory Detections above the E5 and/or PAL are shaded ppb-parts per million

ppm-parts per million

Sw-Store of Wisconsin